

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13717 of 2021

Arising Out of PS. Case No.-34 Year-2020 Thana- MUSAHARI District- Muzaffarpur

Md. Raish, Son of Mohammad Mustaque, Resident of Mohalla- Chandwara
Mukri Masjid, P.S.- Town, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 20-09-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Mushari
P.S. Case No.34 of 2020 registered for the offence punishable
under Sections 302, 34 of the Indian Penal Code.

The informant's nephew has left for attending his
studies and later he has received intimation that the nephew has
been killed by slitting his throat.



The FIR, as per the submission of the petitioner's counsel, has been lodged against unknown person. A suspicion has been cast in course of investigation against the petitioner for the alleged reason that he is having some close terms with a girl and the petitioner happens to be a distant relative of the said girl and was threatening the victim to restrain him from speaking to the girl or maintaining any kind of intimacy with her.

Submission is that before lodging of the FIR based on extraneous considerations, the allegation has been made and the petitioner's name has been dragged merely based on some telephonic conversation which the petitioner has had with the victim and the girl. The petitioner has no criminal antecedents and is in custody since 21.02.2020.

Learned APP for the State has opposed the prayer for bail. It is submitted that C.D.R. reveals that the petitioner was in contact with the deceased. Motive has been assigned.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail



on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-10th-Cum Sub Judge, Muzaffarpur, in connection with Mushari P.S. Case No.34 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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